



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 1, 2004

MEMORANDUM FOR: F/SF - John H. Dunnigan
FROM: *For* F/AK - James W. Balsiger *James W. Balsiger*
SUBJECT: Federal Register Notice for EFH Public Meeting

The attached draft Federal Register notice announces a public meeting related to the Center for Independent Experts' review of the evaluation of the effects of fishing on Essential Fish Habitat (EFH) in Alaska. The evaluation is a component of the Draft Environmental Impact Statement for EFH Identification and Conservation in Alaska that was published in January 2004. Given the newness of the model used in the evaluation, the importance of this analysis for Alaska's fisheries, and the controversial nature of the subject matter, we initiated this outside peer review in conjunction with the Office of Science and Technology. The public meeting is scheduled for June 29, 2004 in Seattle.

Please review the draft notice and submit it to the Office of the Federal Register for publication as soon as possible. If you have any questions about this issue, please contact Jon Kurland, Assistant Regional Administrator for Habitat Conservation, at 907-586-7638.

Attachment

cc: F/HC2 - Karen Abrams
F/ST7 - Steve Brown
Records



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D.]

Groundfish Fisheries of the Bering Sea and Aleutian Islands (BSAI) Area and the Gulf of Alaska, King and Tanner Crab Fisheries in the BSAI, Scallop and Salmon Fisheries off the Coast of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS has retained the Center for Independent Experts (CIE) to conduct a peer review of the agency's evaluation of the effects of fishing on Essential Fish Habitat (EFH) in Alaska. CIE is a group affiliated with the University of Miami that provides independent peer reviews of NMFS science nationwide, including reviews of stock assessments for fish and marine mammals. The evaluation of the effects of fishing on EFH was completed in support of the Draft Environmental Impact Statement (DEIS) for EFH Identification and Conservation in Alaska (69 FR 2593; January 16, 2004). The CIE review will examine whether the evaluation incorporates the best available scientific information and provides a reasonable approach to understanding the effects of fishing on habitat in Alaska. As part of this review, NMFS will hold a public meeting between the CIE panel and the NMFS scientists who designed the analysis and

the underlying model.

DATES: The public meeting will be held June 29, 2004, from 9:00 a.m. - 5:00 p.m. Pacific daylight time.

ADDRESSES: The meeting will convene at the NMFS Alaska Fisheries Science Center, Jim Traynor Conference Room, Building 4, 7600 Sand Point Way NE, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Jon Kurland, Assistant Regional Administrator for Habitat Conservation, 907-586-7638.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS and Fishery Management Councils to describe and identify EFH in fishery management plans (FMPs), minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. The North Pacific Fishery Management Council amended its FMPs for the groundfish, crab, scallop, and salmon fisheries in 1998 to address the EFH requirements. The Secretary of Commerce, acting through NMFS, approved the Council's EFH FMP amendments in January 1999 (64 FR 20216; April 26, 1999). In the spring of 1999, a coalition of seven environmental groups and two fishermen's associations filed suit in the United States District Court for the District of Columbia to challenge NMFS' approval of EFH FMP amendments prepared by the Gulf of Mexico, Caribbean, New England, North Pacific, and Pacific Fishery Management Councils. The focus of the litigation was whether NMFS and the Councils had adequately evaluated the effects of fishing on EFH and taken appropriate measures to mitigate adverse effects. In September 2000, the court upheld

NMFS' approval of the EFH amendments under the Magnuson-Stevens Act, but ruled that the environmental assessment prepared for the amendments violated the National Environmental Policy Act (NEPA). The court ordered NMFS to complete new and thorough NEPA analyses for each EFH amendment in question. The DEIS for EFH Identification and Conservation in Alaska is the curative NEPA analysis for the North Pacific Council's FMPs. A notice of availability for the DEIS was published in the Federal Register on January 16, 2004 (69 FR 2593). The DEIS is available on the internet at www.fakr.noaa.gov/habitat/seis/efheis.htm. The public comment period closed April 15, 2004.

The DEIS analysis of the effects of fishing on EFH has two components: a quantitative mathematical model to show the expected long term effects of fishing on habitat, and a qualitative assessment of how those changes affect fish stocks. After considering the available tools and methodologies for assessing effects of fishing on habitat, NMFS, the Council, and the Council's Scientific and Statistical Committee concluded that the model and analysis incorporate the best available scientific information and provide a good approach to understanding the impacts of fishing activities on habitat. Nevertheless, the model and its application in this context have many limitations, and have not been subjected to a formal peer review. Given the newness of the model, the importance of this analysis for Alaska's fisheries, and the controversial nature of the subject matter, NMFS determined that an outside peer review is a prudent step that will add credibility to the final analysis and strengthen the administrative record for the agency's decisions.

The CIE panel will consist of five reviewers plus a chair. The panel will review materials related to the topic, participate in a workshop with the NMFS scientists who developed the

model and the analytical approach, and produce a report. The final report is due in August 2004 and will consist of individual reports from each panelist plus a summary report. The chair will present the results of the review during the October 2004 Council meeting. Further information, including the statement of work for the CIE review and all of the documents NMFS is asking the panel to review, is available on the internet at www.fakr.noaa.gov/habitat/cie/review.htm.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for special accommodations should be directed to Mary B. Goode, (907) 586-7636, at least five working days before the meeting date.

Authority: 16 U.S.C. 1801 et seq.

Dated: June xx, 2004

Director

Office of Sustainable Fisheries

National Marine Fisheries Service